

# SENATE RECORD VOTE ANALYSIS

105th Congress  
2nd Session

Vote No. 72

April 2, 1998, 6:21 pm  
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## BUDGET RESOLUTION/Health Care Costs

**SUBJECT:** Senate Concurrent Budget Resolution for fiscal years 1999-2003 . . . S.Con. Res. 86. Nickles amendment No. 2282.

### ACTION: AMENDMENT AGREED TO, 98-0

**SYNOPSIS:** As reported, S.Con. Res. 86, the Senate Concurrent Budget Resolution for fiscal years 1999-2003, will balance the unified budget in 1998 and will run surpluses for each of the next 5 fiscal years. Both Federal spending and Federal revenues will increase 3.5 percent from fiscal year (FY) 1998 to FY 1999. All surpluses will be reserved for Social Security reform. A reserve fund will be established to allow the entire Federal share of revenues resulting from a potential tobacco settlement to be dedicated to bolstering Medicare's solvency.

**The Nickles amendment** would express the sense of the Senate that the assumptions underlying this resolution assume that the Senate will not pass any health care legislation:

- that will make health insurance unaffordable for working families and increase the number of uninsured Americans;
- that will divert limited health care resources away from serving patients to paying lawyers and hiring new bureaucrats; or
- that will impose political considerations on clinical decisions, instead of allowing such decisions to be made on the basis of sound science and the best interests of patients.

The amendment would also make numerous findings, including:

- the private sector has proven to be more capable of keeping pace with the rapid changes in health care delivery and medical practice that affect quality of care considerations than has the Federal Government;
- as Congress considers health care legislation, it must first commit to "do no harm" to health care quality, consumers, and the evolving market place;
- rushing to legislate or regulate based on anecdotal information and micro-managing health plans on politically popular issues will not solve the problems of consumer confidence and the quality of our health care system;

(See other side)

YEAS (98)				NAYS (0)		NOT VOTING (2)	
Republican (54 or 100%)		Democrats (44 or 100%)		Republicans (0 or 0%)	Democrats (0 or 0%)	Republicans (1)	Democrats (1)
Abraham	Hutchinson	Akaka	Johnson			Helms- <sup>2AY</sup>	Inouye- <sup>2</sup>
Allard	Hutchison	Baucus	Kennedy				
Ashcroft	Inhofe	Biden	Kerrey				
Bennett	Jeffords	Bingaman	Kerry				
Bond	Kempthorne	Boxer	Kohl				
Brownback	Kyl	Breaux	Landrieu				
Burns	Lott	Bryan	Lautenberg				
Campbell	Lugar	Bumpers	Leahy				
Chafee	Mack	Byrd	Levin				
Coats	McCain	Cleland	Lieberman				
Cochran	McConnell	Conrad	Mikulski				
Collins	Murkowski	Daschle	Moseley-Braun				
Coverdell	Nickles	Dodd	Moynihan				
Craig	Roberts	Dorgan	Murray				
D'Amato	Roth	Durbin	Reed				
DeWine	Santorum	Feingold	Reid				
Domenici	Sessions	Feinstein	Robb				
Enzi	Shelby	Ford	Rockefeller				
Faircloth	Smith, Bob	Glenn	Sarbanes				
Frist	Smith, Gordon	Graham	Torricelli				
Gorton	Snowe	Harkin	Wellstone				
Gramm	Specter	Hollings	Wyden				
Grams	Stevens						
Grassley	Thomas						
Gregg	Thompson						
Hagel	Thurmond						
Hatch	Warner						

#### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

#### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

- when health insurance premiums rise, Americans lose health coverage (studies indicate that each 1-percent increase nationally will result in 400,000 people losing insurance);
- health care costs have begun to rise significantly in the past year; and
- the President's Commission on Consumer Protection and Quality in the Health Care Industry developed a Consumer Bill of Rights and Responsibilities (but did not recommend Federal legislation on that subject), and concluded that private sector organizations have the capacity to act in a timely manner needed to keep pace with the swiftly evolving health system.

NOTE: After the vote, the Senate tabled a Kennedy amendment to express the sense of the Senate in favor of Federal mandates to enforce a patient "bill of rights" (see vote No. 73).

**Those favoring the amendment contended:**

The Nickles amendment is a substitute for the Kennedy amendment to follow. The two amendments are totally incompatible. The Kennedy amendment argues for the imposition of massive new Federal mandates on health care plans. Those mandates are strongly opposed by health care professionals because they will drive up costs dramatically and make insurance unaffordable for millions of Americans. Our colleagues tell us that costs will only go up for sub-standard health care providers; is that their opinion of the American Hospital Association, or the Mayo Clinic, or the Cleveland Clinic, all of which oppose the Kennedy amendment? The innovation and high quality health care in the United States is largely due to the fact that Federal politicians have not tried to take it over. With politicians in charge, we fear not only that costs will skyrocket, but politically popular and medically foolish mandates will be imposed. That fear has been strongly reinforced by the senior Senator from Massachusetts' repeated statement during this debate on the need for a patient bill of rights to prevent "drive-through mastectomies." The President's Commission did not say outpatient, or "drive-through," mastectomies should be barred. If it had, it would have been recommending an outpatient procedure that studies have shown is beneficial for women. For instance, a 1996 study of 525 women who underwent outpatient mastectomies at Henry Ford Hospital in Michigan reported increased quality, accelerated physical recovery, earlier return to occupational activities, and numerous improved psychological advantages. Similarly, a 1995 study at the New Jersey College of Medicine of 133 women who underwent outpatient partial mastectomies showed a lower rate of postoperative infection and a higher rate of satisfaction in comparison to a group having surgery on an inpatient bases. We suppose Senators can gain some political benefit by puffing themselves up and saying that they stopped the horrible practice of "drive-through mastectomies," but if they were to succeed in many cases they would be hurting the quality of women's health care. Those Senators are wrong who say that the Kennedy amendment would not drive up health care costs, increase bureaucracy and litigation, make insurance unaffordable for millions of Americans, and result in political decisions being made on health care benefits that should instead be decided on the basis of medical need. The Nickles amendment would express the sense of the Senate against passing health care legislation of the type advocated by the Kennedy amendment. We urge our colleagues to vote in favor of the Nickles amendment, and then in favor of tabling the Kennedy amendment.

**While favoring the amendment, some Senators expressed the following reservations:**

We have no objections to this amendment. It simply says that Congress will not pass legislation that makes health insurance unaffordable, that diverts health care funds into paying lawyers and hiring bureaucrats, or that makes political decisions instead of medically sound decisions. Of course it will not do any of these things. Our colleagues have offered this amendment because they believe that the Kennedy amendment would have all of those results. We disagree. The Kennedy amendment would not add any costs for quality caregivers. It would only make greedy, poor quality HMOs improve their services. There is nothing inconsistent between the Nickles amendment or the Kennedy amendment to follow. We urge Senators to vote in favor of both amendments.

**No arguments were expressed in opposition to the amendment.**